IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 17602 of 2004**

Between:

R. Sambasiva Rao S/o. Venkaiah,
Opp: BIT Company, R.T.C. Colony,

Guntur, Guntur District.

**..... PETITIONER**

AND

The Secretary,

Regional Transport Authority,

Guntur, Guntur District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not granting goods carrier permit to the petitioner's Heavy Goods Vehicle bearing Registration No. AP 28 T 1177 as illegal, arbitrary and unconstitutional and consequently direct the respondent to issue goods carrier permit to the petitioner's heavy goods vehicle bearing Registration NO. AP 28 T 1177.

**Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR**

**Counsel for the Respondent: G.P. FOR TRANSPORT**

**The Court at the stage of admission made the following**

**ORDER:**

The petitioner contends that he is the owner of a goods vehicle bearing registration No.AP-28-T-1177. He further contends that the said vehicle was originally registered on
25-11-1989 with national permit, as per Clause (1) of Rule 88 of the Central Motor Vehicle Rules. The national permit will expire after the life of 12 years of the vehicle and it has to ply in the Home State.

The petitioner further contends that the 12 years period of the vehicle was over by 24-11-2001 though the goods vehicle permit is valid upto 16-08-2004. Therefore, he was plying the vehicle in the State of Andhra Pradesh by paying the necessary tax. The petitioner filed an application under Section 77 of the Motor Vehicles Act (for short 'the Act') to the respondent for grant of goods carrier permit and the respondent has to pass an order under section 79 of the Act on the application made by the petitioner.

The grievance of the petitioner is that though he submitted the application on 17-09-2004 for grant of goods carrier permit, the respondent did not pass any order so far and undue delay is caused in passing the orders. Therefore, he approached this Court seeking a direction to the respondent to pass appropriate orders under Section 79 of the Act on his application filed under Section 77 of the Act.

Having regard to the facts and circumstances explained by the petitioner, there shall be a direction that the respondent shall pass appropriate orders according to the existing Rules on the application made by the petitioner within a reasonable time.

The Writ Petition is accordingly disposed of. No costs.

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**Dr.G.Yethirajulu, J**

30th September, 2004

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To

1. The Secretary,

Regional Transport Authority,

Guntur, Guntur District.

2. Two CCs to G.P. for Transport, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.